

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13 PROCEEDING
JUANITA COOPER,	:	CASE NO. 18-15968 JKF
Debtor.	:	
CITIZENS BANK NA F/K/A RBS	:	
CITIZENS NA,	:	
Creditor,	:	
vs.	:	
WILLIAM MILLER,	:	
Trustee,	:	
Respondent(s).	:	

OBJECTION TO FINAL CONFIRMATION OF CHAPTER 13 PLAN

AND NOW, comes secured creditor, CITIZENS BANK NA f/k/a RBS CITIZENS NA (“Creditor”), by and through its counsel, Adam R. Elgart, Esquire, and hereby files the following objection to final confirmation of the Debtor’s Chapter 13 Plan:

1. On or about October 10, 2018, the Debtor filed a Chapter 13 Plan (the “Plan”) with the Court.
2. On or before November 19, 2018, Creditor will file a secured claim by the Proof of Claim deadline with an estimated total secured claim in the amount of \$163,912.26 and pre-petition arrears in the amount of \$76,040.70. Creditor's claim is secured only by a security interest in the Debtor's real property located at 97 East Duval Street, Philadelphia, PA 19144.
3. The secured property is the Debtor’s personal residence.
4. The Debtor’s Plan provides to pay \$57,227.00 towards Creditor’s claim. The Debtor’s Plan proposes to treat Creditor’s claim unfairly by proposing to pay an inadequate arrearage amount.
5. Debtor's Plan fails to comply with 11 USC § 1322(b)(5) which permits debtors to cure defaults while resuming and maintaining regular payments on long term obligations. The Debtor’s plan

fails to cure Creditor's pre-petition default.

6. The Debtor's Plan proposes total plan payments of \$66,900.00, and therefore is not feasible and will be underfunded if all Claims are paid.
7. The Chapter 13 Plan is an attempt to modify the rights of the secured creditor in violation of Section 1322(b)(2).

WHEREFORE, CITIZENS BANK NA f/k/a RBS CITIZENS NA respectfully requests that the Court deny final confirmation of the Debtor's Chapter 13 Plan unless the Debtor amends her Plan to satisfy the arrears and provide for adequate treatment of Creditor's secured claim.

Dated: October 18, 2018

MATTLEMAN, WEINROTH & MILLER, P.C.

/s/Adam R. Elgart

Adam R. Elgart, Esq.

Attorney I.D. No. 70101

MATTLEMAN WEINROTH & MILLER

401 Route 70 East, Ste. 100

Cherry Hill, NJ 08034

(856) 429-5507

Attorney for Creditor